

In the Court of Appeals of the State of Alaska

William Grossman,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12170**

Order

Request for Review of Clerk's Intention
to Enter Judgment for Costs of
Appointed Attorney

Date of Order: **7/27/2021**

Trial Court Case No. **3AN-05-06329CI, 3AN-01-06552CR**

The Appellant, William Grossman, filed a felony merit appeal, challenging the superior court's denial of his application for post-conviction relief. In *Grossman v. State*, Alaska App. Memorandum Decision No. 6883 (July 8, 2020), this Court affirmed the judgment of the superior court.

Mr. Grossman was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Grossman was represented by court-appointed counsel in this appeal, because Mr. Grossman's appeal was a felony merit appeal, and because Mr. Grossman's conviction was not reversed, the Appellate Court Clerk's Office notified Mr. Grossman that it intends to enter judgment against him in the amount of \$1500.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Grossman objects to the Clerk's notice. Because Mr. Grossman objects to the Clerk's intent to enter judgment against him, he is entitled to judicial reconsideration of the Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A).

Appellate Rule 209(b)(5) and (6) requires criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense. In his opposition to the entry of judgment for the cost of appellate counsel, Mr. Grossman contends that due to his incarceration and medical expenses, and because he is ineligible for the permanent fund, entry of the judgment will cause him hardship.


The Court recognizes that an appellant may obtain relief from a judgment for the cost of appointed counsel upon a showing of manifest hardship on the appellant or his or her family. But in his opposition to the entry of the judgment, Mr. Grossman has not made such a showing.

Because this Court did not reverse Mr. Grossman's conviction in this appeal, Mr. Grossman is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense. Accordingly, the decision of the Appellate Court Clerk to enter a \$1500.00 judgment against Mr. Grossman for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

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Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in cursive script, reading "Joyce Marsh", written in black ink.

Joyce Marsh, Deputy Clerk

cc: William Grossman, Anchorage Correctional Complex
Distribution:

Email:
Paine, Galen S, OPA - Contract
Burke, Elizabeth Tempel